

# **EXHIBIT 11**

Clark Gerald Sullivan – March 26, 2019

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

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)  
SUNOCO PARTNERS )  
MARKETING & TERMINALS )  
L.P., ) CIVIL ACTION NO.  
) 17-1390-LPS-CJB  
Plaintiff, )  
)  
v. )  
)  
POWDER SPRINGS )  
LOGISTICS, LLC and )  
MAGELLAN MIDSTREAM )  
PARTNERS, L.P., )  
)  
Defendants. )  
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VIDEOTAPED ORAL DEPOSITION OF  
CLARK GERALD SULLIVAN

March 26, 2019

9:41 a.m.

Deposition of CLARK GERALD SULLIVAN,  
taken by Defendant Magellan Midstream Partners,  
L.P., pursuant to Subpoena, at the offices of  
Golenbock Eiseman Assor Bell & Peskoe LLP, 711  
Third Avenue, New York, New York, before Brandon  
Rainoff, a Federal Certified Realtime Reporter  
and Notary Public of the State of New York.

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<p>11:50:46 1 (Pause)</p> <p>11:50:56 2 A. I don't know. I could have — I could</p> <p>11:50:59 3 have — you know, you do a lot of things out of</p> <p>11:51:02 4 an abundance of caution.</p> <p>11:51:04 5 Q. So when you said you rephrased things,</p> <p>11:51:08 6 do you remember what you rephrased?</p> <p>11:51:11 7 A. Well, I mean, we could run a redline</p> <p>11:51:13 8 and we can see. I mean, the text is different.</p> <p>11:51:18 9 Q. You don't remember, like, generally</p> <p>11:51:20 10 what was changed?</p> <p>11:51:27 11 A. Generally what was changed? I don't</p> <p>11:51:31 12 think that, in the grand scheme of things, that</p> <p>11:51:35 13 much was changed at all.</p> <p>11:51:38 14 Q. And you don't remember generally what</p> <p>11:51:39 15 you rephrased?</p> <p>11:51:43 16 A. No. Like I said, I would need to run</p> <p>11:51:45 17 a redline to see what was rephrased and how it</p> <p>11:51:48 18 was rephrased.</p> <p>11:51:48 19 (Pause)</p> <p>11:52:01 20 Q. Between the time that you were working</p> <p>11:52:02 21 on the '302 patent and when you were working on</p> <p>11:52:06 22 the '671 patent, did you learn of any systems in</p> <p>11:52:11 23 use in which butane was blended into gasoline in</p> <p>11:52:15 24 a pipeline?</p> <p>11:52:17 25 A. I don't remember.</p>	<p>11:53:53 1 Q. Anything else new you learned during</p> <p>11:53:56 2 this period of time with respect to blending</p> <p>11:53:58 3 butane into gasoline in a pipeline?</p> <p>11:54:00 4 (Pause)</p> <p>11:54:17 5 A. Only that Texon's business was</p> <p>11:54:19 6 progressing.</p> <p>11:54:22 7 Q. Were you aware of any systems owned or</p> <p>11:54:24 8 operated by Magellan during this time period of</p> <p>11:54:29 9 prosecuting the '671 patent?</p> <p>11:54:31 10 (Pause)</p> <p>11:54:44 11 A. I don't know.</p> <p>11:54:44 12 (Pause)</p> <p>11:54:44 13 MS. FIORELLA: I would now like to</p> <p>11:55:06 14 mark as Sullivan Exhibit No. 5 U.S. Patent No.</p> <p>11:55:13 15 9,494,948 bearing the Bates Nos. SUN_MAG_0002021</p> <p>11:55:23 16 ending 2037.</p> <p>11:55:27 17 (Exhibit Sullivan 5, Document Bates</p> <p>11:55:27 18 stamped SUN_MAG_0002021 through 2037, multipage</p> <p>11:55:27 19 document entitled: United States Patent No.: US</p> <p>11:55:27 20 9,494,948 B2, dated November 15, 2016, marked</p> <p>11:55:27 21 for identification)</p> <p>11:55:51 22 BY MS. FIORELLA:</p> <p>11:55:52 23 Q. Mr. Sullivan, do you recognize this</p> <p>11:55:54 24 document?</p> <p>11:56:05 25 A. Yes.</p>
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<p>11:52:22 1 Q. Do you currently know of any systems</p> <p>11:52:24 2 in use in which butane is blended into gasoline</p> <p>11:52:29 3 in a pipeline?</p> <p>11:52:32 4 A. Well, so let me back up, clarify the</p> <p>11:52:36 5 previous answer.</p> <p>11:52:37 6 I mean, I did know that it was —</p> <p>11:52:39 7 butane was being blended into pipelines. It was</p> <p>11:52:43 8 in the background of the '302 patent.</p> <p>11:52:51 9 Q. When you say "pipelines," do you mean</p> <p>11:52:56 10 like the pipeline that comes out of a refinery</p> <p>11:53:01 11 and goes up the eastern seaboard, for example?</p> <p>11:53:05 12 A. I can only tell you what the '302</p> <p>11:53:07 13 patent says. I don't have any recollection</p> <p>11:53:11 14 beyond that at the time that the '302 patent was</p> <p>11:53:15 15 filed — or application was filed.</p> <p>11:53:16 16 Q. What about at the time of the '671</p> <p>11:53:18 17 patent?</p> <p>11:53:18 18 Did you learn any new information</p> <p>11:53:22 19 about blending butane into gasoline in a</p> <p>11:53:24 20 pipeline?</p> <p>11:53:29 21 A. Before I filed this, had I learned</p> <p>11:53:30 22 anything new? One thing that I had learned was</p> <p>11:53:40 23 the sulfur blending and the need to monitor</p> <p>11:53:45 24 sulphur content in the butane stream. That was</p> <p>11:53:51 25 something that I had learned about.</p>	<p>11:56:05 1 Q. What is it?</p> <p>11:56:07 2 A. It's a patent that I secured for</p> <p>11:56:10 3 Sunoco.</p> <p>11:56:12 4 Q. Is this the '948 patent?</p> <p>11:56:16 5 A. This is — yeah, we can call it "the</p> <p>11:56:18 6 '948 patent."</p> <p>11:56:19 7 Q. And it was filed September 16, 2015?</p> <p>11:56:24 8 A. The application for the '948 patent</p> <p>11:56:27 9 was filed on September 16, 2015, correct.</p> <p>11:56:30 10 Q. Were you involved in drafting the</p> <p>11:56:32 11 specification for the '948 patent?</p> <p>11:56:50 12 A. Yes.</p> <p>11:56:50 13 Q. Were you involved in drafting the</p> <p>11:56:52 14 claims for the '948 patent?</p> <p>11:56:54 15 A. Yes.</p> <p>11:56:56 16 Q. I'm just going to reference the</p> <p>11:56:57 17 application number here because we may refer to</p> <p>11:57:00 18 it. It's 14/856,099.</p> <p>11:57:05 19 Is that right?</p> <p>11:57:11 20 A. The application is 14/856,099, yes.</p> <p>11:57:15 21 Q. Is it okay if I refer to that as "the</p> <p>11:57:16 22 '099 application"?</p> <p>11:57:19 23 A. Okay.</p> <p>11:57:20 24 Q. And then the '948 patent was — we</p> <p>11:57:23 25 said was filed September 16, 2015.</p>

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<p>11:57:26 1 Is that right?</p> <p>11:57:27 2 <b>A.</b> The application for that patent was</p> <p>11:57:29 3 filed on that date, correct.</p> <p>11:57:30 4 <b>Q.</b> Then the patent itself issued on</p> <p>11:57:33 5 November 15, 2016?</p> <p>11:57:35 6 <b>A.</b> Correct.</p> <p>11:57:44 7 <b>MS. FIORELLA:</b> I would now like to</p> <p>11:57:46 8 mark as Sullivan Exhibit 6 a document bearing</p> <p>11:57:50 9 the Bates SUN_MAG_0001644.</p> <p>11:58:04 10 (Exhibit Sullivan 6, Document Bates</p> <p>11:58:04 11 stamped SUN_MAG_0001644, single-page document</p> <p>11:58:04 12 entitled: Decision Granting Request for</p> <p>11:58:04 13 Prioritized Examination (Track I or After RCE),</p> <p>11:58:04 14 dated September 16, 2015, marked for</p> <p>11:58:04 15 identification)</p> <p>11:58:18 16 <b>BY MS. FIORELLA:</b></p> <p>11:58:24 17 <b>Q.</b> Do you recognize this document, Mr.</p> <p>11:58:26 18 Sullivan?</p> <p>11:58:33 19 <b>A.</b> No. I mean, I know what it is. But</p> <p>11:58:36 20 to I remember seeing it? No.</p> <p>11:58:39 21 <b>Q.</b> What is it?</p> <p>11:58:40 22 <b>A.</b> It's a decision granting a request for</p> <p>11:58:43 23 prioritized examination.</p> <p>11:58:46 24 <b>Q.</b> This references application No.</p> <p>11:58:49 25 14/856, 099.</p>	<p>11:59:46 1 <b>A.</b> Well, typically you want the patent</p> <p>11:59:49 2 to -- at least receive an office action sooner</p> <p>11:59:54 3 than you would otherwise.</p> <p>11:59:56 4 <b>Q.</b> Wouldn't you always want a sooner</p> <p>11:59:59 5 resolution?</p> <p>12:00:00 6 <b>A.</b> Not necessarily.</p> <p>12:00:02 7 <b>Q.</b> So what are some situations in which</p> <p>12:00:03 8 you would want a sooner resolution?</p> <p>12:00:11 9 <b>A.</b> Well, if you want -- I mean, you may</p> <p>12:00:22 10 have a business need. You may have a litigation</p> <p>12:00:24 11 need. There may be lots of different reasons</p> <p>12:00:27 12 you would want to have that application resolved</p> <p>12:00:33 13 sooner rather than later.</p> <p>12:00:38 14 <b>Q.</b> Did you petition for this request for</p> <p>12:00:40 15 prioritized examination for the application that</p> <p>12:00:42 16 led to the '948 patent?</p> <p>12:00:47 17 <b>A.</b> I don't see my name on it, but the</p> <p>12:00:49 18 answer is probably: Yes.</p> <p>12:00:54 19 <b>Q.</b> Would you say it's your standard</p> <p>12:00:56 20 practice to request the prioritized examination</p> <p>12:01:02 21 for the patents that you prosecute?</p> <p>12:01:15 22 <b>A.</b> I would say "standard" is not an</p> <p>12:01:16 23 appropriate term.</p> <p>12:01:18 24 <b>Q.</b> What would you say?</p> <p>12:01:20 25 <b>A.</b> I would say I don't always do it, but</p>
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<p>11:58:50 1 Is that right?</p> <p>11:58:51 2 <b>A.</b> Correct.</p> <p>11:58:52 3 <b>Q.</b> That is the application that led to</p> <p>11:58:53 4 the '948 patent.</p> <p>11:58:54 5 Is that right?</p> <p>11:58:56 6 <b>A.</b> The '948 patent, that's correct.</p> <p>11:58:58 7 <b>Q.</b> You said that this was a decision</p> <p>11:59:00 8 granting a request for prioritized examination?</p> <p>11:59:03 9 <b>A.</b> Yes.</p> <p>11:59:04 10 <b>Q.</b> What is prioritized examination?</p> <p>11:59:11 11 <b>A.</b> It's a procedure that the Patent</p> <p>11:59:13 12 Office offers if you want your examination to</p> <p>11:59:19 13 receive priority over other patent applications</p> <p>11:59:22 14 at the Patent Office.</p> <p>11:59:23 15 <b>Q.</b> Is that also called a "Track I"?</p> <p>11:59:26 16 <b>A.</b> "Track I" is a term that's commonly</p> <p>11:59:29 17 used, yes.</p> <p>11:59:30 18 <b>Q.</b> What are some reasons that one would</p> <p>11:59:34 19 want to request this kind of prioritized</p> <p>11:59:38 20 examination?</p> <p>11:59:39 21 <b>MR. KEVILLE:</b> Caution you not to</p> <p>11:59:39 22 reveal any attorney-client privileges you may</p> <p>11:59:42 23 have had.</p> <p>11:59:42 24 She's asking a more general question,</p> <p>11:59:46 25 but --</p>	<p>12:01:23 1 I have filed a number of them over the years.</p> <p>12:01:26 2 <b>Q.</b> Why did you request a prioritized</p> <p>12:01:29 3 examination for the application that led to the</p> <p>12:01:31 4 '948 patent?</p> <p>12:01:33 5 <b>MR. KEVILLE:</b> And if answering that</p> <p>12:01:34 6 would cause you to reveal attorney-client</p> <p>12:01:37 7 privileged communications, then I instruct you</p> <p>12:01:39 8 not to answer.</p> <p>12:01:40 9 <b>THE WITNESS:</b> Yes, that would</p> <p>12:01:43 10 absolutely require attorney-client</p> <p>12:01:45 11 communications.</p> <p>12:01:45 12 <b>MS. FIORELLA:</b> Okay. Let's now</p> <p>12:01:53 13 mark -- one more question on that, Mr. Sullivan.</p> <p>12:02:02 14 <b>BY MS. FIORELLA:</b></p> <p>12:02:02 15 <b>Q.</b> Would you only request a prioritized</p> <p>12:02:08 16 examination with authorization from your client?</p> <p>12:02:16 17 <b>A.</b> Yes.</p> <p>12:02:20 18 <b>MS. FIORELLA:</b> I would now like to</p> <p>12:02:21 19 mark as Sullivan Exhibit 7 U.S. Patent No.</p> <p>12:02:25 20 9,606,548 bearing the Bates Nos. SUN_MAG_0002544</p> <p>12:02:34 21 ending in 2561.</p> <p>12:02:36 22</p> <p>12:02:36 23</p> <p>12:02:36 24</p> <p>12:02:36 25</p>

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<p>12:02:36 1 (Exhibit Sullivan 7, Document Bates</p> <p>12:02:36 2 stamped SUN_MAG_0002544 through 2561, multipage</p> <p>12:02:36 3 document entitled: United States Patent No.: US</p> <p>12:02:36 4 9,606,548 B2, dated March 28, 2017, marked for</p> <p>12:02:36 5 identification)</p> <p>12:02:59 6 BY MS. FIORELLA:</p> <p>12:03:01 7 Q. Do you recognize this document, Mr.</p> <p>12:03:03 8 Sullivan?</p> <p>12:03:03 9 A. Yes.</p> <p>12:03:04 10 Q. What is this?</p> <p>12:03:06 11 A. This is a patent that I secured for</p> <p>12:03:08 12 Sunoco.</p> <p>12:03:09 13 Q. Is it fair to call it "the '548</p> <p>12:03:11 14 patent"?</p> <p>12:03:13 15 A. Yes.</p> <p>12:03:13 16 Q. Were you involved in prosecuting this</p> <p>12:03:16 17 patent?</p> <p>12:03:16 18 A. Yes.</p> <p>12:03:17 19 Q. Were you involved in drafting the</p> <p>12:03:18 20 specification for the patent?</p> <p>12:03:20 21 A. Yes.</p> <p>12:03:20 22 Q. Were you involved in drafting the</p> <p>12:03:22 23 claims for the patent?</p> <p>12:03:23 24 A. Yes.</p> <p>12:03:25 25 Q. This application -- excuse me.</p>	<p>12:04:36 1 been marked as Sullivan Exhibit 8?</p> <p>12:04:39 2 A. I do.</p> <p>12:04:40 3 Q. What is this?</p> <p>12:04:41 4 A. This is another decision granting a</p> <p>12:04:44 5 request for prioritized examination.</p> <p>12:04:47 6 Q. And the application number referenced</p> <p>12:04:48 7 here is 14/856,766.</p> <p>12:04:51 8 Is that right?</p> <p>12:04:52 9 A. That's correct.</p> <p>12:04:52 10 Q. And is that the application that led</p> <p>12:04:54 11 to the '548 patent?</p> <p>12:04:57 12 A. Yes.</p> <p>12:05:00 13 Q. Did you request this prioritized</p> <p>12:05:03 14 examination for the '548 patent?</p> <p>12:05:08 15 A. I believe so.</p> <p>12:05:09 16 Again, my name -- I did not -- this is</p> <p>12:05:12 17 not the actual request. I'm not sure that I</p> <p>12:05:15 18 filed the request, but I probably did.</p> <p>12:05:22 19 Q. This is the same type of request we</p> <p>12:05:26 20 just went through with the '948 patent?</p> <p>12:05:29 21 A. It's the same request, a Track I</p> <p>12:05:31 22 prioritized examination request.</p> <p>12:05:44 23 Q. Okay.</p> <p>12:05:45 24 We are going to be kind of looking at</p> <p>12:05:46 25 the '948 and '548 patents together, so it might</p>
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<p>12:03:28 1 Let me start that again.</p> <p>12:03:30 2 The application No. listed here on</p> <p>12:03:34 3 2544 is 14/856,766.</p> <p>12:03:38 4 Is that right?</p> <p>12:03:39 5 A. That's correct.</p> <p>12:03:39 6 Q. So that's the application that led to</p> <p>12:03:41 7 the '548 patent?</p> <p>12:03:43 8 A. That's correct.</p> <p>12:03:46 9 Q. And that was filed September 17, 2015?</p> <p>12:03:49 10 A. Correct.</p> <p>12:03:49 11 Q. That's the day after, I believe, the</p> <p>12:03:55 12 '948 patent was filed.</p> <p>12:03:56 13 Is that right?</p> <p>12:04:03 14 A. Yes.</p> <p>12:04:04 15 MS. FIORELLA: Let's mark as Sullivan</p> <p>12:04:11 16 Exhibit 8 a document bearing the Bates No.</p> <p>12:04:13 17 SUN_MAG_0002150.</p> <p>12:04:18 18 (Exhibit Sullivan 8, Document Bates</p> <p>12:04:18 19 stamped SUN_MAG_0002150, single-page document</p> <p>12:04:18 20 entitled: Decision Granting Request for</p> <p>12:04:18 21 Prioritized Examination (Track I or After RCE),</p> <p>12:04:18 22 dated September 17, 2015, marked for</p> <p>12:04:18 23 identification)</p> <p>12:04:32 24 BY MS. FIORELLA:</p> <p>12:04:34 25 Q. Mr. Sullivan, do you recognize what's</p>	<p>12:05:51 1 be helpful to have those both out. And those</p> <p>12:05:54 2 are Sullivan exhibit Nos. 5 and 7, I believe.</p> <p>12:05:58 3 A. Okay.</p> <p>12:06:13 4 Q. Let's start with the '948.</p> <p>12:06:15 5 Can you tell me generally what the</p> <p>12:06:24 6 '948 invention is?</p> <p>12:06:27 7 MR. KEVILLE: Object to form.</p> <p>12:06:45 8 A. Well, the invention is defined by the</p> <p>12:06:47 9 claims.</p> <p>12:06:47 10 Q. Okay.</p> <p>12:06:48 11 A. And so, I mean, it's difficult to say</p> <p>12:06:52 12 generally what the invention is. I mean, the</p> <p>12:06:57 13 patented invention is covered by the claims.</p> <p>12:07:00 14 Now, there is a lot more that's disclosed in the</p> <p>12:07:04 15 specification than what is actually covered by</p> <p>12:07:07 16 the claims.</p> <p>12:07:08 17 Q. Got it.</p> <p>12:07:08 18 So let's start with the title. I am</p> <p>12:07:10 19 on 2021.</p> <p>12:07:14 20 Title is: Versatile Systems for</p> <p>12:07:16 21 Continuous In-line Blending of Butane and</p> <p>12:07:18 22 Petroleum.</p> <p>12:07:20 23 Do you see that?</p> <p>12:07:20 24 A. Yes.</p> <p>12:07:20 25 Q. What is in-line blending of butane and</p>